

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

CLAYTON TUMEY

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No. 3:07-CR-373-N

FACTUAL RESUME

INDICTMENT: Counts One and Two: 18 U.S.C. § 2113(a), Bank Robbery

PENALTY: A term of imprisonment for a period not to exceed 20 years on each count.

A fine not to exceed \$250,000.00 on each count, or twice the pecuniary gain to defendant or loss to the victim on each count.

A mandatory term of supervised release of at least two (2) years but not more than three (3) years on each count must follow any term of imprisonment. If defendant violates the conditions of supervised release, defendant could be imprisoned for the entire term of supervised release.

A mandatory special assessment of \$100.00 on each count;

Restitution to victims or to the community on each count, which may be mandatory under the law, and which defendant agrees may include restitution arising from all relevant conduct, not limited to that arising from the offense of conviction alone

Costs of incarceration and supervision.

ELEMENTS OF

THE OFFENSES: In order to establish the crime of Bank Robbery, in violation of 18 U.S.C. § 2113(a), as set out in Counts One and Two of the Indictment, the Government must prove the following elements beyond a reasonable doubt:

- First: That the defendant intentionally took from the person or the presence of the person described in the indictment, money;
- Second: That the money belonged to or was in the possession of a federally insured bank at the time of the taking; and
- Third: That the defendant took the money by means of force, violence or by means of intimidation.

Stipulated Facts Count One

On or about April 26, 2006, in the Dallas Division of the Northern District of Texas, Clayton Tumey entered the Chase Bank located at 3200 Broadway Blvd., Garland, Texas, with the specific intent to rob the bank. Tumey entered the bank, stood in the customer service line, and eventually approached an employee teller. Tumey placed a black, zippered bank bag on the counter with a note taped to it which read something to the effect of "Give me all your 100's and 50's. Don't look at me, don't keep the note, hurry." The teller, in fear for her life, complied with the demands and gave Tumey \$2,850 in United States currency, which he took, and left the bank.

Tumey admits that the money within the teller's possession was in her care, custody and management as a Chase Bank employee and that he took the money through fear and intimidation.

At the time of the events described above, the deposits of Chase Bank located at 3200 Broadway Blvd., Garland, Texas, were insured by the Federal Deposit Insurance Corporation.

Stipulated Facts Count Two

On or about November 16, 2006, in the Dallas Division of the Northern District of Texas, Clayton Tumey entered the American National Bank located at 2865 Ridge Road, Rockwall, Texas, with the specific intent to rob the bank. Tumey entered the bank, stood in line, and then approached an employee teller. Tumey whispered to the teller to read an envelope he had handed her and to hurry up because he did not have much time. The envelope read something to the effect of "Put your 100's and 50's in the envelope. I will not hurt you." The teller felt threatened by Tumey, complied with the demands, and gave him \$7,050 in United States currency. He then left the bank.

Tumey admits that the money within the teller's possession was in her care, custody and management as an American National Bank employee and that he took the money through fear and intimidation.

At the time of the events described above, the deposits of the American National Bank located at 2865 Ridge Road, Rockwall, Texas, were insured by the Federal Deposit Insurance Corporation.

Stipulated Facts Additional Bank Robbery

On or about December 13, 2006, in the Eastern District of Texas, Clayton Tumey

entered the Chase Bank located at 908 W. McDermott Drive, Allen, Texas, with the specific intent to rob the bank. Tumey entered the bank, stood in line, and approached an employee teller. He put an envelope on the counter and said "Put all the hundreds and fifties you have in the envelope." He told her to hurry up. Written on the envelope in marker was "Please put \$100.00 and fifty's immediately! Hurry." Tumey did not display any weapons or make any threats. The teller gave Tumey \$1,000 in United States currency and he left the bank.

Tumey admits that the money within the teller's possession was in her care, custody and management as a Chase Bank employee and that he took the money through fear and intimidation.

At the time of the events described above, the deposits of the Chase Bank located at 908 W. McDermott Drive, Allen, Texas, were insured by the Federal Deposit Insurance Corporation.

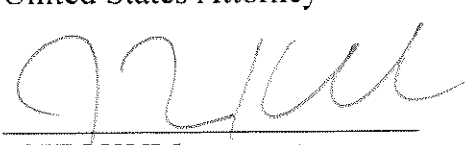
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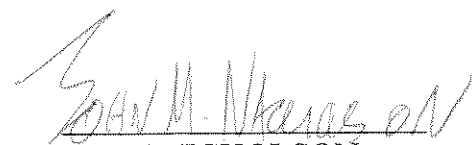
On or about May 21, 2007, Tumey called the Allen Police Department and said he wanted to turn himself in for the Chase Bank robbery that occurred in Allen, Texas, as mentioned above. He provided his location and remained there until officers arrived, at which time he surrendered. Tumey eventually confessed to robbing the above three banks and provided written statements for each of the robberies.

AGREED TO AND SIGNED this the 26th day of June, 2008.

RICHARD B. ROPER
United States Attorney


CLAYTON TUMEY
Defendant


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